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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,469	08/21/2003	Shaun Peltier	1858.001US1	8509
7590	12/09/2004		EXAMINER	
Schwegman, Lundberg, Woessner & Kluth, P. A. P.O. Box 2938 Minneapolis, MN 55402			MAUST, TIMOTHY LEWIS	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/646,469	PELTIER, SHAUN
	Examiner Timothy L Maust	Art Unit 3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 August 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,5,8-12 and 15-28 is/are rejected.  
 7) Claim(s) 4,6,7,13 and 14 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The drawings filed on 8/21/03 are informal, since the letters, numbers and lines are not uniform in nature throughout the Figures.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 5 and 26-28** are rejected under 35 U.S.C. 102(b) as being anticipated by Gaston.

In regard to claim 1, the Gaston reference discloses a “system” comprising a “sanitary bag” 34 having an “outlet tube” 40, an “insulated container” 10 and a “spigot” 40, as claimed. Further, the bag is capable of being filled by a conventional garden hose.

In regard to claim 2, a “water input portion” 38 is sealed by cover 12.

In regard to claim 3, inasmuch structure that is defined by a “liner”, the inside wall of container 10 meets the claimed limitation.

In regard to claims 26-28, the method as claimed would be inherent during normal use and operation of the device.

**Claims 8-12, 15, 21-23, 26 and 27** are rejected under 35 U.S.C. 102(b) as being anticipated by Scholle et al. (4,417,607).

In regard to claims 8-10, the Scholle et al. reference discloses a "system" comprising a "sanitary bag" 24 having a "dispensing outlet" 25 that also acts as the "input portion", a "water input member" 30. Further, the bag is suitable for carrying, storing, and dispensing fluids and other flowable products (i.e., water).

In regard to claim 11, for the specifics of the "coupling member" see Figures 14-17 in incorporated reference 4,120,134 (Scholle).

In regard to claim 12, the "valve" taken in its broadest sense can be defined by the cap that closes inlet/outlet 25. The cap acts as a valve by opening and closing the inlet/outlet 25.

In regard to claims 21-23, 26 and 27, the method as claimed would be inherent during normal use and operation of the device.

**Claims 15-17** are rejected under 35 U.S.C. 102(b) as being anticipated by Goodrich et al.

The Goodrich et al. reference discloses a "sanitary bag" having a "flexible outlet" 27 and 42, an "insulated container" 46 having a "spigot" and "pinch plug" (absent further structure) 47, as claimed. The bag is capable of being filled by any conventional kitchen faucet or garden hose through outlet 27.

**Claims 15 and 18-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Weinreich et al.

In regard to 15, the Weinreich et al. reference discloses a "sanitary bag" 14 having an "outlet tube" 16 (absent further structure) and a "water input member" (see col. 5, lines 60-69. Further, the reference describes milk filling but discloses that the bag is suitable for carrying, storing, and dispensing fluids and other flowable products (i.e., water).

In regard to claims 18-20, the "bag" 14 is capable of being filled with a garden hose.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 5, 8, 9 and 21-28** rejected under 35 U.S.C. 102(b) as anticipated by Weinreich et al. or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gaston.

In regard to claims 1, 8, 9, 15 and 17, the Weinreich et al. reference discloses a "sanitary bag" 14 having an "outlet tube" 18, a cardboard "container" 10 having inherent insulation properties and a "spigot" 38. However, if Applicant disagrees with above inherency, the Gaston reference (discussed *supra*) discloses an insulated container to keep cold the fluid within. Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to modify the Weinreich et al. device to include insulation (if not already) in view of the teachings of the Gaston reference in order to keep the water within cold. Further, the bag is suitable for carrying, storing, and dispensing fluids and other flowable products (i.e., water).

In regard to claim 2, "water input" 16 is sealed after filling.

In regard to claims 5 and 8, see column 3, lines 60-69.

In regard to claim 16, the "outlet tube" 18 is capable of being filled therethrough.

In regard to claims 21-23 and 26-28, the method as claimed would be inherent during normal use and operation of the device.

### ***Allowable Subject Matter***

Claims 4, 6, 7, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Inada reference pertains to filling a flexible bag, similar Applicant's device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Tue. - Fri. 6:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy L Maust  
Primary Examiner  
Art Unit 3751

Tlm  
12/2/04